

S E C R E T SECTION 01 OF 02 ABUJA 001636

SIPDIS

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TAGS: PREL MOPS PBTS EPET CM NI ICJ

SUBJECT: NIGERIA: BAKASSI MAY LEAD TO CONFLICT

REF: IIR 7 800 0261 02

CLASSIFIED BY AMBASSADOR HOWARD F. JETER; REASONS
1.6X5 and 1.6X6.

¶11. (S) SUMMARY: Tensions between Nigeria and Cameroon are rising in anticipation of the ICJ's ruling on the Bakassi dispute. Many observers expect a ruling before the Court's summer recess begins in July. The Nigerian public is not ready to hear that Bakassi belongs to Cameroon. Elections loom. Should the ruling favor Cameroon, Nigeria could decide to fight. The USG should not speak out on this potential crisis yet. END SUMMARY.

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WHAT MIGHT HAPPEN
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¶12. (S) Should Nigeria lose the case over the disputed Bakassi peninsula presently before the International Court of Justice (ICJ), the GON may simply refuse to give up its positions, arguing that actual implementation of the decision should be "negotiated." The GON has a tradition of entering into long, drawn-out negotiations to avoid unpleasant outcomes. Conversely, Nigerian-initiated operations that claim to be repulsing a Cameroonian "attack" are also conceivable. The Nigerian military has, we understand, been building up its forces and equipment in the disputed region.

¶13. (S) Prior to execution of Operation Focus Relief, Chief of Army Staff LTG Alexander Ogomudia initially said the 20 Battalion, based in Serti (near the Cameroon border) could not participate in the program. Although he changed his mind, he explained that it was no secret that Nigeria had some concerns regarding the intentions of "our neighbor to the south" (Also see reftel). Similarly, PolMilOff was told by a senior MOD official in early May that, while Cameroon believed Nigeria's military was weak, and was correct to a degree, the Nigerian military could hold its own in a military contest with Cameroon. It would be a mistake for Cameroon to act militarily, should the court rule against Yaounde's claim, he stated. Moreover, when asked what Nigeria would do should the ICJ's decision favor Cameroon, he shrugged and said, "We will fight." Finally, the Ambassador heard recently from a very senior and usually highly circumspect Nigerian official that Nigerian compliance with a negative decision was most unlikely. The official could not rule out Nigeria going to war but noted that the constitutional requirements for a declaration of war might hamper such an endeavor.

¶14. (S) Most Nigerians believe that Cameroon does not have a case before the ICJ, and would be shocked by a ruling in Cameroon's favor. In fact, it is not uncommon to hear individuals argue that while Head of State Gowon agreed to cede the peninsula to Cameroon, the Provisional Ruling Council (PRC) at that time rejected the agreement, and therefore, it never became national law or imposed any international obligations on Nigeria.

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FACTORS TO CONSIDER
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¶15. (S) COMMENT: We cannot determine whether the PRC ever reached a decision on the Bakassi issue. Unfortunately, the GON has never prepared the Nigerian public for the possibility that the Bakassi might in fact belong to Cameroon. Since Nigerian troops moved into the disputed territory in 1993 (to protect the

overwhelmingly Nigerian populace from "abuse" by Cameroonian authorities, asserted by the GON at the time), few, if any, of Nigeria's media have even hinted that Cameroon might have a case. It is an article of faith here that Nigeria is on the winning side; in fact, given the historical boundaries, Nigeria may lose. The GON obviously understands this is possible but continues its silence vis-a-vis the Nigerian public -- one more hint that it may not respect an eventual negative ICJ ruling.

16. (S) In the Nigerian context, there are several factors that could play into the decision-making process. First and foremost, 2002/2003 is an election year for Nigeria. While aggression might provoke international opprobrium, a strong government protecting "the national patrimony" and the territorial integrity of the nation could play very well domestically. The Obasanjo Administration is deeply unpopular in several parts of the country; it is hurting even in the oil-producing South-South, a bastion of support in 1999. Obasanjo's critics claim he is too interested in international issues and insufficiently concerned about the plight of the average Nigerian. Public works projects are not as numerous as many citizens expected, corruption has not disappeared, and inflation is pernicious. If he does not "defend Nigeria's territorial integrity," Obasanjo's adversaries will have yet another brickbat to toss. Incumbency is powerful in Nigeria, but it does not confer omnipotence. The politics of an election year alone could make compliance with a negative ruling unlikely.

17. (S) Second, the land border between Cameroon and Nigeria potentially affects the maritime boundary and, with it, the size of Nigeria's exclusive economic zone. Nigeria has engaged with Equatorial Guinea and Sao Tome and Principe on maritime boundary/economic zone demarcation. To the best of our knowledge, Cameroon has not been involved and is not a party to these arrangements. The disputed territory is often called "the oil rich Bakassi," and perhaps it does have significant hydrocarbon reserves beneath its surface.

18. (S) It has been noted in another context (political battles over scheduling elections) that the President's tenure in office may be extended in six-month increments if the national territory is threatened. We do not view this constitutional provision as a likely trigger for Nigerian military action in Bakassi, but, if hostilities should break out, some sycophant will doubtless suggest invoking this clause and extending the President's tenure. We point out, however, that this is purely speculative; we have no way of knowing how the GON will react in the face of an adverse ICJ decision.

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WHAT SHOULD WE DO/NOT DO
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19. (S) There is a major downside to saying anything now about the Nigeria-Cameroon dispute over Bakassi. Assuming the decision goes against Nigeria, the USG subsequently will be accused of malevolent foreknowledge and "plotting" against Nigeria. The impact of commentary on the issue after the decision will be only slightly less negative, but our failure to say something at that juncture could be seen by some (in Abuja and beyond) as giving Nigeria the green light to attack.

ANDREWS